Environmental Law

Lewis & Clark Law School

INDEX

Volume 39
2009

TABLE OF TITLES

ARTICLES

Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations (Part I): Ecological Realism and the Need for a Paradigm Shift
Mary Christina Wood 43

Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations (Part II): Instilling a Fiduciary Obligation in Governance
Mary Christina Wood 91

At Home with Nature: Early Reflections on Green Building Laws and the Transformation of the Built Environment
Keith H. Hirokawa 507

Borders and the Environment
Andrew P. Moriss & Roger E. Meiners 141

Counting Every Drop: Measuring Surface and Ground Water in Washington and the West
Stephanie Lindsay 193

Disestablishing Environmentalism
Andrew P. Moriss & Benjamin D. Cramer 309

Environmental Liabilities and the Federal Securities Laws: A Proposal for Improved Disclosure of Climate Change-Related Risks
Mark Latham 647

Public Outcry: *Kelo v. City of New London*—A Proposed Solution
William Woodyard & Glenn Boggs 431

Restructuring a Green Grid: Legal Challenges to Accommodate New Renewable Energy Infrastructure
Steven Ferrey 977

The *Rhino* in the *Colonia*: How *Colonias Development Council v. Rhino Environmental Services, Inc.* Set a Substantive State Standard for Environmental Justice
Kristina G. Fisher 397

The Rising Tide of Climate Change: What America's Flood Cities Can Teach Us About Green Energy Policy, and Why We Should Be Worried
Joshua P. Fershee 1109

Rough Seas Ahead: Confronting Challenges to Jumpstart Wave Energy
Rachael E. Salcido 1073

"Steel in the Ground": Greening the Grid with the iUtility
Joseph P. Tomain 931

Streamlining NEPA to Combat Global Climate Change: Heresy or Necessity?
Irma S. Russell 1049
Swamp Swaps: The "Second Nature" of Wetlands
Fred Bosselman 577
The Trojan Horse of Electric Power Transmission Line Siting Authority
Jim Rossi 1015
United States v. Abrogar: Did the Third Circuit Miss the Boat?
David P Kehoe 1

ESSAYS

Global Warming and the Problem of Policy Innovation: Lessons From the Early Environmental Movement
Christopher H. Schroeder 285
Greening The Grid and Climate Justice
Alice Kaswan 1143

NOTES & COMMENTS

The *Friends of Yosemite Valley* Saga: The Challenge of Addressing the Merced River's User Capacities
John Cathcart-Rake 833
Halting the Hitchhikers: Challenges and Opportunities for Controlling Ballast Water Discharges and Aquatic Invasive Species
Suzanne Bostrom 867
Lessons from the Montreal Protocol: Guidance for the Next International Climate Change Agreement
Bryan A. Green 253
Trashing the Presumption: Intervention on the Side of the Government
Kathy Black 481
Warm is the New Cold: Global Warming, Oil, UNCLOS Article 76, and How an Arctic Treaty Might Stop a New Cold War
Brent Carpenter 215
Wave New World: Promoting Ocean Wave Energy Development Through Federal-State Coordination and Streamlined Licensing
Mark Sherman 1161
Why Private Remedies for Environmental Torts Under the Alien Tort Statute Should Not Be Constrained by the Judicially Created Doctrines of *Jus Cogens* and Exhaustion
Mark W. Wilson 451

BOOK REVIEW

In The Public Interest
Robert H. Klonoff 1225

TABLE OF AUTHORS

Kathy Black, *Trashing the Presumption: Intervention on the Side of the Government* 481
Glenn Boggs & William Woodyard, *Public Outcry:* Kelo v. City of New London*—A Proposed Solution* 431
Fred Bosselman, *Swamp Swaps: The "Second Nature" of Wetlands* 577
Suzanne Bostrom, *Halting the Hitchhikers: Challenges and Opportunities for Controlling Ballast Water Discharges and Aquatic Invasive Species* 867
Brent Carpenter, *Warm is the New Cold: Global Warming, Oil, UNCLOS Article 76, and How an Arctic Treaty Might Stop a New Cold War* 215
John Cathcart-Rake, *The* Friends of Yosemite Valley *Saga: The Challenge of Addressing the Merced River's User Capacities* 833
Benjamin D. Cramer & Andrew P. Moriss, *Disestablishing Environmentalism* 309
Steven Ferrey, *Restructuring a Green Grid: Legal Challenges to Accommodate New Renewable Energy Infrastructure* 977
Joshua P. Fershee, *The Rising Tide of Climate Change: What America's Flood Cities Can Teach Us About Green Energy Policy, and Why We Should Be Worried* 1109
Kristina G. Fisher, *The* Rhino *in the* Colonia*: How* Colonias Development Council v. Rhino Environmental Services, Inc. *Set a Substantive State Standard for Environmental Justice* 397
Bryan A. Green, *Lessons from the Montreal Protocol: Guidance for the Next International Climate Change Agreement* 253
Keith H. Hirokawa, *At Home with Nature: Early Reflections on Green Building Laws and the Transformation of the Built Environment* 507
Alice Kaswan, *Greening The Grid and Climate Justice* 1143
David P. Kehoe, United States v. Abrogar*: Did the Third Circuit Miss the Boat?* 1
Robert H. Klonoff, *In The Public Interest* 1225
Mark Latham, *Environmental Liabilities and the Federal Securities Laws: A Proposal for Improved Disclosure of Climate Change-Related Risks* 647
Stephanie Lindsay, *Counting Every Drop: Measuring Surface and Ground Water in Washington and the West* 193
Roger E. Meiners & Andrew P. Moriss, *Borders and the Environment* 141

Andrew P. Moriss & Benjamin D. Cramer, *Disestablishing Environmentalism* 309
Andrew P. Moriss & Roger E. Meiners, *Borders and the Environment* 141
Jim Rossi, *The Trojan Horse of Electric Power Transmission Line Siting Authority* 1015
Irma S. Russell, *Streamlining NEPA to Combat Global Climate Change: Heresy or Necessity?* 1049
Rachael E. Salcido, *Rough Seas Ahead: Confronting Challenges to Jumpstart Wave Energy* 1073
Mark Sherman, *Wave New World: Promoting Ocean Wave Energy Development Through Federal-State Coordination and Streamlined Licensing* 1161
Christopher H. Schroeder, *Global Warming and the Problem of Policy Innovation: Lessons From the Early Environmental Movement* 285
Joseph P. Tomain, *"Steel in the Ground": Greening the Grid with the iUtility* 931
Mark W. Wilson, *Why Private Remedies for Environmental Torts Under the Alien Tort Statute Should Not Be Constrained by the Judicially Created Doctrines of* Jus Cogens *and Exhaustion* 451
Mary Christina Wood, *Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations (Part I): Ecological Realism and the Need for a Paradigm Shift* 43
Mary Christina Wood, *Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generations (Part II): Instilling a Fiduciary Obligation in Governance* 91
William Woodyard & Glenn Boggs, *Public Outcry:* Kelo v. City of New London*—A Proposed Solution* 431